

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION**

)
) **MDL No. 1456**
) **Master File No. 01-CV-12257-PBS**
) **Subcategory Case No. 06-11337**
)

THIS DOCUMENT RELATES TO:

)
) **Hon. Patti B. Saris**
)

*State of California ex rel. Ven-A-Care of the Florida
Keys, Inc. v. Abbott Labs, Inc. et al.,*
Civil Action No. 03-11226-PBS

**DECLARATION OF SARAH L. REID IN SUPPORT OF
DEFENDANTS DEY, L.P. AND DEY, INC.'S OPPOSITION TO
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

SARAH L. REID declares, pursuant to 28 U.S.C. § 1746, that:

1. I am a member of the law firm of Kelley Drye & Warren LLP, counsel to Dey, L.P. and Dey, Inc. (collectively "Dey"). I am admitted to practice law in the State of New York and have been admitted *pro hac vice* in this action.
2. I make this Declaration in support of Dey's Opposition to Plaintiffs' Motion for Partial Summary Judgment.
3. The basis for my knowledge is my review of the files maintained by Kelley Drye & Warren LLP as part of its representation of Dey, including the documents attached hereto, and my own personal knowledge of the facts and circumstances set forth herein.
4. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the deposition of James Kevin Gorospe, dated September 22, 2008.
5. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition of Dey's 30(b)(6) designee, Pamela Marrs, dated May 15, 2008.

6. Attached hereto as Exhibit 3 is a true and correct copy of a spreadsheet entitled “Albuterol .083% Solution as of June 1997,” previously marked as NY Counties Exhibit 15 at the deposition of Susan Gaston, taken on March 19, 2008.

7. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition of Dey’s 30(b)(6) designee, Pamela Marrs, dated July 10, 2008.

8. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition of Dey’s 30(b)(6) designee, Pamela Marrs, dated October 2, 2008.

9. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the deposition of Robert Mozak, dated April 30, 2002.

10. Attached hereto as Exhibit 7 is a true and correct copy of a cover note and a Rebate Agreement between the Secretary of Health and Human Services and Dey, dated February 28, 1991, previously marked as Exhibit Dey 23.

11. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the deposition of Patricia Kay Morgan, dated November 30, 2007.

12. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the deposition of Todd Galles, dated February 28, 2006.

13. Attached hereto as Exhibit 10 is a true and correct copy of the Declaration of Hema Chandranatha in Support of Plaintiff’s *Ex Parte* Application for a Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction, filed on April 15, 2003 in *Dey, L.P. v. First Databank, Inc.*, Civil Action No. 26-21019 (Cal. Super. Ct.).

14. Attached hereto as Exhibit 11 is a true and correct copy of the Declaration of Steven Desrosiers in Support of Plaintiff’s *Ex Parte* Application for a Temporary Restraining

Order and Order to Show Cause Re Preliminary Injunction, filed on April 15, 2003 in *Dey, L.P. v. First Databank, Inc.*, Civil Action No. 26-21019 (Cal. Super. Ct.).

15. Attached hereto as Exhibit 12 is a true and correct copy of the Declaration of Becky Farris in Support of Plaintiff's *Ex Parte* Application for a Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction, filed on April 15, 2003 in *Dey, L.P. v. First Databank, Inc.*, Civil Action No. 26-21019 (Cal. Super. Ct.).

16. Attached hereto as Exhibit 13 is a true and correct copy of the Declaration of Pamela Marrs in Support of Plaintiff's *Ex Parte* Application for a Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction, filed on April 15, 2003 in *Dey, L.P. v. First Databank, Inc.*, Civil Action No. 26-21019 (Cal. Super. Ct.).

17. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the deposition of Dey's 30(b)(6) designee, Gary Walker, dated July 9, 2008.

18. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the deposition of Carrie Jean Jackson, dated April 18, 2003.

19. Attached hereto as Exhibit 16 is a true and correct copy of the Expert Report of Professor W. David Bradford, Ph.D., filed on July 30, 2009 in *State of California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories*, Case No. 1:03-cv-11226-PBS (D. Mass.), filed under seal.

20. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the deposition of Cardinal Health's 30(b)(6) designee, Matthew Erick, taken on June 17, 2008, filed under seal.

21. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the deposition of McKesson Corporation's 30(b)(6) designee, Saul Factor, taken on June 20, 2008, filed under seal.

22. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from the deposition of Russell Johnston, taken on December 10, 2008.

23. Attached hereto as Exhibit 20 is a true and correct copy of excerpts from the deposition of Cardinal Health's 30(b)(6) designee, Matthew Erick, taken on June 27, 2008, filed under seal.

24. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the deposition of McKesson Corporation's 30(b)(6) designee, Saul Factor, taken on September 4, 2008, filed under seal.

25. Attached hereto as Exhibit 22 is a true and correct copy of excerpts from the deposition of Cardinal Health's 30(b)(6) designee, Ron Reich, taken on June 7, 2007, filed under seal.

26. Attached hereto as Exhibit 23 is a true and correct copy of excerpts from the deposition of Kate Teringer, taken on April 4, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 21, 2009.

/s/ Sarah L. Reid
Sarah L. Reid

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on December 21, 2009, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Sarah L. Reid

Sarah L. Reid